

and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director, and of such additional staff as the Chairperson deems advisable to assist the Commission, at rates not to exceed a rate equal to the maximum rate for level IV of the Executive Schedule under section 5332 of such title.

#### SEC. 06. EXPENSES OF COMMISSION.

There are authorized to be appropriated to pay any expenses of the Commission such sums as may be necessary not to exceed \$1,000,000. Any sums appropriated for such purposes are authorized to remain available until expended, or until 1 year after the termination of the Commission pursuant to section 07, whichever occurs first.

#### SEC. 07. TERMINATION OF COMMISSION.

The Commission shall cease to exist on the date that is 60 days after the date on which the Commission is required to submit its final report in accordance with section 04(c).

#### DURBIN (AND OTHERS) AMENDMENT NO. 1085

Mr. DURBIN (for himself, Mr. LEVIN, Mrs. MURRAY, Mr. JOHNSON, and Mr. BREAUX) proposed an amendment to the bill, S. 1061, *supra*; as follows:

On page 49, after line 26, add the following:

SEC. . (a) STUDY.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the General Accounting Office, shall conduct a comprehensive study concerning efforts to improve organ and tissue procurement at hospitals. Under such study, the Secretary shall survey at least 5 percent of the hospitals who have entered into agreements with an organ procurement organization required under the Public Health Service Act and the hospitals' designated organ procurement organizations to examine—

(1) the differences in protocols for the identification of potential organ and tissue donors;

(2) whether each hospital, and the designated organ procurement organization of the hospital, have a system in place for such identification of donors; and

(3) protocols for outreach to the relatives of potential organ or tissue donors.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report concerning the study conducted under subsection (a), that shall include recommendations on hospital best practices—

(1) that result in the most efficient and comprehensive identification of organ and tissue donors; and

(2) for communicating with the relatives of potential organ and tissue donors.

#### LEVIN (AND OTHERS) AMENDMENT NO. 1086

Mr. DURBIN (for Mr. LEVIN, for himself, Mr. THURMOND, Mr. DURBIN, and Mr. INOUE) proposed an amendment to the bill, S. 1061, *supra*; as follows:

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—Congress finds that—

(1) over 53,000 Americans are currently awaiting organ transplants;

(2) in 1996, 3,916 people on the transplant waiting list died because no organs became available for such people;

(3) the number of organ donors has grown slowly over the past several years, even though there is significant unrealized donor potential;

(4) a Gallup survey indicated that 85 percent of the American public supports organ donation, and 69 percent describe themselves as likely to donate their organs upon death;

(5) most potential donors are cared for in hospitals with greater than 350 beds, trauma services, and medical school affiliations;

(6) a recent Harvard study showed that hospitals frequently fail to offer donation services to the families of medically eligible potential organ donors;

(7) staff and administration in large hospitals often are not aware of the current level of donor potential in their institution or the current level of donation effectiveness of the institution;

(8) under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq; 1396 et seq.), hospitals that participate in the medicare or medicaid program are required to have in place policies to offer eligible families the option of organ and tissue donation; and

(9) many hospitals have not yet incorporated systematic protocols for offering donation to eligible families in a skilled and sensitive way.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that hospitals that have organ or tissue donor potential take prompt steps to ensure that a skilled and sensitive request for organ or tissue donation is provided to eligible families by—

(1) working with the designated organ procurement organization or other suitable agency to assess donor potential and performance in their institutions;

(2) establishing protocols for organ donation that incorporate best-demonstrated practices;

(3) providing education to hospital staff to ensure adequate skills related to organ and tissue donation;

(4) establishing teams of skilled hospital staff to respond to potential organ donor situations, ensure optimal communication with the patient's surviving family, and achieve smooth coordination of activities with the designated organ procurement organization; and

(5) monitoring organ donation effectiveness through quality assurance mechanisms.

#### ADDITIONAL STATEMENTS

#### TRIBUTE TO COMDR. SEAN FOGARTY

• Mr. KEMPTHORNE. Mr. President, I rise today to recognize and say farewell to an outstanding naval officer, Comdr. Sean Fogarty, who has served with distinction for the past 24 years in naval service. It is a privilege for me to recognize his many outstanding achievements and to commend him for the superb service he has provided this legislative body, the Navy, and our great Nation.

A native of Idaho Falls, ID, and a 1977 graduate of the U.S. Naval Academy, Commander Fogarty comes from a patriotic family who has contributed immeasurably to our Nation's defense. His father was a career submariner and also a U.S. Naval Academy graduate.

Commander Fogarty's service at sea includes a division officer tour aboard U.S.S. *Harold E. Holt* FF-1074, depart-

ment head tours as Operations Officer aboard U.S.S. *John Young* DD-973 and U.S.S. *Callaghan* DD-994, and an executive officer tour aboard U.S.S. *Downes* FF-070.

Commander Fogarty's duties ashore included scheduler for the commander in chief, U.S. Pacific Fleet, exercises and plans officer for the commander, U.S. Sixth Fleet, and the Office of Legislative Affairs.

As Assistant Director of the Navy's Senate Liaison Office for the last 5 years, Commander Fogarty has provided timely support and accurate information on Navy plans and programs. Working closely with the U.S. Senate, he has helped maintain the best trained, best equipped, and best prepared Navy in the world. His consummate leadership, integrity, and tireless energy serve as an example for us all.

Mr. President, Sean Fogarty, his wife, Anita, and daughters, Larissa, Colleen, and Megan have made many sacrifices during his 24-year naval career. They have made significant contributions to the outstanding naval forces upon which our country relies so heavily. During his illustrious career, Commander Fogarty has been the recipient of many awards and commendations including the Legion of Merit. He is a great credit to both the Navy and the country he so proudly serves. As he now retires from the naval service, I call upon my colleagues from both sides of the aisle to wish him fair winds and following seas.●

#### CHARLES A. HORSKY

• Mr. MOYNIHAN. Mr. President, Mr. Charles Horsky, former adviser to Presidents Kennedy and Johnson on the District of Columbia, passed away during the August recess. I rise today to pay honor to this man who devoted himself to improving our Nation's Capital.

Charlie Horsky was the "Mayor of Washington." And yet, he looked forward to giving that up and getting home rule for the city of Washington. He accomplished a great deal toward that end. Mr. Horsky was instrumental in redeveloping Pennsylvania Avenue, in promoting the construction of a metropolitan subway system, and he played a crucial role in establishing the initial home rule for the citizens of Washington.

Further, he led the establishment of the National Building Museum, the John F. Kennedy Center of the Performing Arts, the University of the District of Columbia, and urged the preservation of Union Station.

I first arrived in Washington over three decades ago. Since those initial days, I was most fortunate to have known and worked with Charlie Horsky. He was as fine a gentleman as we have seen in our Capital, and his tireless efforts are reflected in so many rejuvenated aspects of the city around us. When thinking of this great man we do well to recall the epitaph of Sir

Christopher Wren at St. Pauls Cathedral, London: "Si monumentum requiris, circumspice." (If you would see his monument, look around).

I ask that an obituary from the New York Times from August 24 be printed in the RECORD.

The obituary follows:

CHARLES A. HORSKY, 87, DIES; LEFT IMPRINT ON U.S. CAPITAL

(By Irvin Molotsky)

WASHINGTON—Charles A. Horsky, a lawyer and former Government official who helped redevelop the nation's capital during the Kennedy and Johnson Administrations, died Wednesday at Holy Cross Hospital in Silver Spring, Md. He was 87 and lived in Silver Spring.

The cause was kidney failure, said his daughter, Margaret Horsky Burns.

Mr. Horsky argued many cases and held many important positions in a law career that began in 1934, but it was his work as adviser to the President for national capital affairs from 1962 to 1967 that had the greatest impact on those who live in or visit Washington, an impact that will be felt for years to come.

President John F. Kennedy appointed him to the White House job and Lyndon B. Johnson carried him over when Johnson succeeded to the Presidency in 1963. During Mr. Horsky's time at the White House, he pressed for switching money from a highway project to the construction of a subway system, and the resulting Metro is now regarded as one of the best in the world.

He worked on the redevelopment of Pennsylvania Avenue, a project that was begun after the 1961 inaugural parade and Kennedy determined that America's Main Street had become seedy and unworthy of a great nation. That project is just being completed with the opening soon of the Ronald Reagan Building.

Senator Daniel Patrick Moynihan, who served in the Kennedy Administration with Mr. Horsky, recalled that they were reviewing plans for the redevelopment of Pennsylvania Avenue on Nov. 22, 1963, when they received the word that the President had been shot. The plans were to be presented to Kennedy for his approval the next day.

Another of Mr. Horsky's accomplishments is enduring a melancholy chapter. For years, Washington was run as a virtual fiefdom of Congress, with residents having no say in its government. During the Johnson Administration, a push was made to establish home rule for Washington and it was Mr. Horsky who played the pivotal role in getting legislation for it through Congress.

Mr. Moynihan, reached at his home in upstate New York, said: "Charlie Horsky was 'Mayor of Washington.' He looked forward to giving that up and getting home rule for the city of Washington, and he accomplished a great deal toward that end."

In recent years, however, with the District of Columbia's budget deficit ballooning out of control, Congress has taken back much of that power and placed it in the hands of a control board.

Mr. Horsky's other activities included establishing the Kennedy Center for the Performing Arts, rescuing Union Station and opening both the National Building Museum and the University of the District of Columbia.

He was born in Helena, Mont., graduated from the University of Washington 1931 and received a law degree from Harvard University in 1934. He served as a lawyer in the Solicitor General's office until 1939, when he joined Covington & Burling, one of Washington's leading law firms, staying there for the

rest of his career except for his White House years.

After World War II, Mr. Horsky served as an assistant prosecutor at the Nuremberg war crimes trials and argued many cases before the Supreme Court, including a case that challenged the wartime internment of Americans of Japanese ancestry.

"I was trying to persuade the Court that there was no legitimate basis for the Army to arrest citizens," Mr. Horsky said in a 1989 interview with *The Washington Post*. "I couldn't get enough information to make it stick."

Mr. Horsky lost his argument before the Supreme Court, but in 1988, Congress approved and President Ronald Reagan signed a bill that offered the nation's apologies to Japanese Americans and provided payments to those who were interned.

A partner at the firm, David B. Isbell, said that Mr. Horsky took senior counsel status, that is, a reduced work load, in 1981 and that until he was slowed down by illness two years ago, he had kept active in the firm by arbitrating railroad disputes.

His wife of 58 years, Barbara Egleston Horsky, died two years ago.

Besides his daughter, Ms. Burns, a resident of Falls Church, Va., Mr. Horsky is survived by a sister, Flora Wertz of Missoula, Mont., and two grandchildren.

Despite his advancing years, Mr. Horsky maintained a rugged regimen. "He never wore an overcoat, even on the coldest day," Mr. Isbell said of his colleague. "I don't think he had one. It may have had something to do with his coming from Montana."

That Great Plains frame of mind prevailing as recently as 1989, when he drove around in the middle of winter in his 1962 Ford convertible, often with the top down. When asked in the interview in *The Post* about his lack of an overcoat, he said, "I am sure I had one in college." •

#### MAYOR DONALD ARONSON

• Mr. TORRICELLI. Mr. President, I rise today in recognition of the mayor of my hometown, Englewood, NJ. Mayor Donald Aronson's dedication to the Englewood community and the State of New Jersey make it an honor to be able to recognize him. After being elected mayor of Englewood three times he has decided not to stand for reelection. As his term comes to an end, I would like to convey my good wishes to a friend and valued colleague.

Donald has made innumerable contributions to the residents of Englewood and to the State of New Jersey as a whole through numerous community service positions. He has served as commissioner and secretary of the Palisades Interstate Park Commission, president of the Bergen County League of Municipalities, and he has sat on the board of trustees for the American Red Cross. In addition, he has been a member of the Englewood Board of Adjustment, Englewood Chamber of Commerce, and Englewood Economic Development Corp. The list of his community activities is endless. The extent of his service to State and local organizations is evidence of his lifelong commitment to public service.

Now, Donald is preparing for a new position as the president of the Englewood Chamber of Commerce. I ask that you join me in recognizing Mayor Don-

ald Aronson for all of his hard work and his service to the State of New Jersey. •

#### EXECUTIVE SESSION

##### NOMINATION OF ROBERT CHARLES CHAMBERS TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the nomination of Robert Chambers, of West Virginia; that the nomination be confirmed, the motion to reconsider be laid on the table, any statements relating to the nomination appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed, as follows:

##### THE JUDICIARY

Robert Charles Chambers, of West Virginia, to be U.S. District Judge for the Southern District of West Virginia.

STATEMENT ON THE NOMINATION OF ROBERT C. CHAMBERS

Mr. LEAHY. Mr. President, I am pleased that the majority leader has moved the nomination of Robert C. Chambers to be a judge of the U.S. District Court for the Southern District of West Virginia. Mr. Chambers has the strong support of Senator ROBERT C. BYRD and Senator JOHN D. ROCKEFELLER IV. Mr. Chambers has been engaged in the private practice of law for almost 20 years and served as a delegate in the West Virginia House of Delegates, chairman of that body's judiciary committee, and speaker of the West Virginia House of Delegates. The ABA found him to be qualified and the Judiciary Committee unanimously reported this nomination to the Senate in July.

I congratulate Mr. Chambers and his family and look forward to his service on the Federal court.

As I noted yesterday, we have a good deal of work ahead of us if we are to fulfill our responsibilities and confirm the other fine nominees who are pending before us and are needed in the Federal courts around the country. I commend the majority leader for returning to the Executive Calendar today to take up this judicial nomination.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

##### ORDERS FOR MONDAY, SEPTEMBER 8, 1997

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it